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Pamela Jones-Morton

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EXAMINER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,200	Applicant(s) JONES-MORTON ET AL.	
	Examiner JUSTIN M. PATS	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10,12 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10,12 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/1/10 has been entered, in which they referred back to arguments made in their after final amendment of 1/25/10. Claims 1–2, 4–8, 10, 12, 15–19 are pending in this application and have been rejected below.

Art Unit: 3623

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1–2, 4–8, 10, 12, and 15–19 are rejected under 35 U.S.C. 103(a) as being unpatentable over a public use of Disney’s Euro Disney project [hereinafter Euro Disney], as evidenced by (1) Lainsbury, *Once Upon an American Dream—The Story of Eurodisneyland*, University Press of Kansas, 2000, 308 pp., pg. 93–102, 213–15; (2) Grant, *Euro Disney: From Dream to Nightmare, 1987–94*, 2002, pg. 1–23; (3) Afterthemouse.com, *A history of Disneyland Paris resort – The Disney resort that nearly closed*, 10/22/2009, pg. 1–6; (4) Koepp, *Do You Believe In Magic? Starring in its own Cinderella story, Disney transforms itself*, Time Magazine, April 25, 1988, pg. 66 (online reprint pg. 1–8); and (5) Tempest, *Challenging casting call for Disney*, Los Angeles Times, Nov. 8, 1991, A5, col. 1 (online reprint pg. 1–2); (6) Anthony, *Euro Disney: The First 100 Days*, Harvard Business School, Jun. 4, 1993, pg 1–21; (7) Harvey, *The Selection of Managers for Foreign Assignments: A Planning Perspective*, The Columbia Journal of World Business, Winter 1996, pg. 102–12; and (8) *A Disney Dress Code Chafes In the Land of Haute Couture*, The New York Times, Sec. 1, page 1, col. 5, Dec. 25, 1991 (Online Reprint pg. 1–4) [hereinafter Disney Dress Code] in view of Applicant’s Admitted Prior Art further in view of Mayer et al., U.S. Pat. Pub. No. 2001/0034630 [hereinafter Mayer], further in view of Harvey, *The Selection of Managers for Foreign Assignments: A Planning Perspective*, The Columbia Journal of World Business, Winter 1996, pg. 102–12.

4. As per claim 1, Euro Disney teaches a method for selecting associates for expatriate assignments comprising:

(a) establishing a date for a new product launch (Grant, pg. 4, “The French authorities committed to provide land (at Marne-la-Vallée 32km east of Paris) and infrastructure over the project’s 30-year development period ending in 2017.”; Grant, pg. 19, Appendix C, showing time line of major events in the development of Euro Disney over a period of years, starting with March 24, 1987 agreement, culminating in April 12, 1992 opening of park; Afterthemouse.com, pg. 5, “The Euro Disney Resort opened on schedule on April 12, 1992.”; Lainsbury, pg. 93, “There were billboards all over Nice and Cannes that said, ‘Come to Euro Disney, opening in two years’”);

(b) determining a period of years in advance of said date to complete an expatriate associate selection process for expatriate assignments applicable to said new product launch (Lainsbury, pg. 94, “. . . planners opened an on-site casting center at Disney University in September 1991”; Afterthemouse.com, pg. 4, “. . . in early September 1991 when the Disney casting centre opened and Disney started recruiting the 14,500 employees that would ultimately operate the resort’s theme park and seven hotels.”; Koepp, pg. 6, “Though French artists and intellectuals bemoaned the park as a polluter of their culture, the prospect of more than 30,000 new jobs and a huge splash of tourist spending enabled Disney not only to win the government’s approval but extract lucrative concessions as well.”; Anthony, pg. 10, “Its initial objective was to hire 45% French employees, 30% other European, and 15% from outside of Europe,⁸⁰ but by opening day the cast was 70% French.”);

Art Unit: 3623

(c) within said period of years:

(1) identifying a plurality of associates eligible for said expatriate assignments (Anthony, pg. 10, “At the same time Disney aggressively cross-trained managers and supervisors to ensure service quality. Prior to opening, 270 managers were cross-trained in the Disney methods at the company's other three theme parks. Also, another 200 managers were imported from the other parks to work at Euro Disney.”; Grant, pg. 10, “At the management level, Disney relied on importing about 200 managers from other Disney parks and training 270 locally recruited managers (this involved training at Disney’s other theme parks).”);

(2) providing each of a plurality of job candidates with preview information relevant to a plurality of expatriate assignments, said preview information comprising organization and job description information (Tempest, pg. 2, “Disney has taken some ribbing from the French press over the image demanded by Disney talent scouts. For example, a video for potential employees reminds them to shower at least once a day.”; Grant, “Selection criteria were “applicant friendliness, warmth, and liking of people.” The rules for job applicants were spelled out in a video presentation and in the employee handbook, “The Euro Disney Look.” The rules went far beyond weight and height requirements, describing the length of the men’s hair, beard and mustache requirements, tattoo coverage requirements and hair color specifications (for example, hair had to be of a natural-looking color, without frosting or streaking). Only moderate use of cosmetics was allowed. Women could wear one earring in each ear with earrings’[sic] diameter not to exceed three-quarters of an inch.”; Anthony, pg. 5, “Cast members had to meet stiff

Art Unit: 3623

dress and grooming requirements. These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen. Following an initial contact. Disney used a peer interview process to select cast members. Three potential hires would meet with one Disney personnel manager for a 45-minute interview session. Applicants were watched closely for how well they listened to their peers, how well they responded to questions, and whether they smiled and maintained an appropriate attitude.”; *see also* Disney Dress Code, pg. 3, 5 Percent Drop Out:);

(3) receiving identifying information for a first set of candidates from said plurality of associates who have: (A) reviewed said preview information regarding said plurality of expatriate assignments (Lainsbury, pg. 94, ¶ 1–pg. 95, ¶ 1, discussing hiring process, including resume collection and screening process, whereby nearly 8,000 positions were filled by early 1992; Anthony, “One example of a cast member who left was a 22-year-old medical student from a nearby town who signed up for a weekend job. After one weekend of “brainwashing,” as he called it, and one weekend of training, he went to work at a Fantasyland shop.”; Disney Dress Code, pg. 3, 5 Percent Drop Out); and (B) agreed to be considered for said expatriate assignments (*id.*, having submitted resumes and been hired, they have agreed to be considered for the assignments);

(4) administering a plurality of assessments to said first set of candidates (Anthony, pg. 5, “Cast members had to meet stiff dress and grooming requirements. These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen. Following an initial contact.

Art Unit: 3623

Disney used a peer interview process to select cast members. Three potential hires would meet with one Disney personnel manager for a 45-minute interview session. Applicants were watched closely for how well they listened to their peers, how well they responded to questions, and whether they smiled and maintained an appropriate attitude.”);

(7) determining specifications for each of a plurality of expatriate assignments for said new product launch (Tempest, pg. 1, Title; Anthony, pg. 4–5, “Consistent with Disney's entertainment concept, employees were called "cast members," even those who worked "backstage" in operations. They wore “costumes” not uniforms, and were “cast in a role” instead of given job duties.; Anthony, pg. 10, “At the same time Disney aggressively cross-trained managers and supervisors to ensure service quality. Prior to opening, 270 managers were cross-trained in the Disney methods at the company's other three theme parks. Also, another 200 managers were imported from the other parks to work at Euro Disney.”; Grant, pg. 10, “At the management level, Disney relied on importing about 200 managers from other Disney parks and training 270 locally recruited managers (this involved training at Disney’s other theme parks).”;

(8) creating a group of expatriate candidates from said expatriate assignments by selecting a subset of candidates from said first set of candidates according to said specifications (Tempest, pg. 1, “We've had 24,000 people show up looking for jobs, and we've hired 2,400.”);

(9) establishing a development plan for each candidate in said group of expatriate candidates, said development plan comprising activities to assist in preparing said

Art Unit: 3623

candidates for said expatriate assignments (Lainsbury, pg. 95–97, discussing training of staff via manuals, handbooks, and guides, building exercises, etc); and

(10) arranging for said group of expatriate candidates to complete said expatriate assignments outside said candidates' home countries (*see discussion supra; see also* Harvey, pg. 106, “ “Walt Disney Co., failed to take the cultural sensitivity issue into account when they were selecting expatriate managers for EURO their Disney project. In hindsight, executives of Disney attribute a large portion of the failure today of the project on not sending the "right" managers to France.”); and

(d) after said period of years and by said date, launching said new product (Grant, pg. 19, Appendix C, showing time line of major events in the development of Euro Disney over a period of years, starting with March 24, 1987 agreement, culminating in April 12, 1992 opening of park; Afterthemouse.com, pg. 5, “The Euro Disney Resort opened on schedule on April 12, 1992.”).

Euro Disney does not explicitly teach the remaining limitations of claim 1. Specifically, first, with respect to the limitation—(2) providing each of said plurality of *associates* with preview information relevant to a plurality of expatriate assignments, said preview information comprising organization, job description, and *career progression* information related to said expatriate assignments—Euro Disney does not explicitly teach performance of this element as applied to associates. Rather, as discussed above, EuroDisney's preview information is applied to candidates who ostensibly do not already work for Disney. Even though Euro Disney is silent as to previewing applied to its associates, applying the known previewing technique to a known element ready for improvement, namely associates, such as managers of Disney in preparation

Art Unit: 3623

for expatriate assignment, would have been obvious so as to produce a predictable result and result in an improved system that produces better informed expatriate associates who therefore are more inclined to make decisions that benefit the organization.

Regarding career progression information being a part of the previewing limitation, although Euro Disney does not explicitly teach this. However, Official Notice was previously taken, and not since adequately traversed by Applicant, that job postings or listings comprising career progression information were old and well known in the art at the time of the invention. This limitation is therefore considered Applicant's Admitted Prior Art. See Non-Final Rejection, 7/7/09, ¶ 24. It would have been obvious to one having ordinary skill in the art to modify Euro Disney to include the teachings of Applicant's admitted prior art for the benefit of helping convince a desirable job applicant to accept a job offer, thus prospectively improving the overall state of the organization.

Euro Disney in view of Applicant's Admitted Prior Art does not explicitly teach the remaining limitations of claim 1.

Mayer, in the analogous art of automated job candidate assessment and placement, teaches the functionality required for computer automation of the above method steps (Figs. 1–2; ¶¶ 0023, 27–28); as well as (5) entering in a computer assessment data for said first set of candidates completing said plurality of assessments and (6) preparing at said computer a summary report pertaining to candidate selection across all candidates: Potential candidates are prompted to electronically enter information so as to create an online profile which provides the employer with assessment data in order to find the best suited candidate by matching candidate profile information to the requirements of a particular position. Finally, a list can be generated of

Art Unit: 3623

all candidate matches (Mayer, ¶ 0010, “[T]he present invention provides an interactive employment system which allows a candidate to enter profile data, including identification data, and to match their criteria and then view available job postings.”; ¶¶ 0048–52, 60, 62, discussing candidate profile preferences which a matching job profile should contain.”; ¶¶ 0081–83, “The process commences at step 90 where an employer enters job profile data for an available job opening. The data may be stored in job profile database 37. The employer may then conduct a search for possible candidates for a job position by entering search criteria at the web site hosted by server 12 (step 91). The search criteria may incorporate some or all of the data entered above at step 90. The server then compares the entered search criteria to the candidate profiles stored in candidate profile database 36. The server next lists candidates who match the entered search criteria (step 92). All candidates with matching search terms may be listed. The list of matching candidates may be sorted according to the percentage of search terms that match each candidate.”). It would have been obvious to one having ordinary skill in the art to modify Euro Disney in view of Applicant’s Admitted Prior Art to include the teaching of Mayer, providing enhanced organization aiding in the selection of the best candidates from the candidate pool. Furthermore, automation through use of computers saves an organization time and resources through faster computation and data analysis and arrangement.

Euro Disney in view of Applicant’s Admitted Prior Art further in view of Mayer does not explicitly teach arranging for said group of expatriate candidates to return said candidates' home countries. However, Harvey, in the analogous art of planning and executing expatriate assignments, teaches, this functionality via its discussion of the corporate investment and consideration in returning expatriates following and during execution of expatriate assignments,

Art Unit: 3623

whether it's early (e.g., due to a failure and therefore costly, or a periodic trip back home) or timely (e.g., potentially advancing the career of the expatriate and benefit the company) (pg. 113, "The candidate's decision to relocate centers on . . . impact on career and career path . . . acceleration of advancement after returning from foreign assignment; pg. 103, "returning early to domestic organization"; pg. 104, "just as important are the implicit costs of . . . premature return to the domestic organization; pg. 113, "If there is no sustaining dimension to the candidate's motivation, the probability for burnout, early return and failure are increased"; pg. 112, "The family life-cycle will influence allowances particularly as related to travel, housing, educational costs, and return trips to the home market. There are also repatriation issues that increase the intricacy of families with children in certain stages of the family life-cycle."). It would have been obvious to one having ordinary skill in the art to modify Euro Disney in view of Applicant's Admitted Prior Art further in view of Mayer to include the teaching of Harvey because efficient resource allocation and maintenance makes an organization more profitable.

5. As per claim 2, Euro Disney teaches creating an assignment plan for at least one of said expatriate candidates (Grant, pg. 9–10, especially "Human relations management posed an even greater cultural challenge. Central to the Disney theme park experience was the way in which "cast members" interacted with the guests. Disney was famous for its meticulous approach to recruitment, its commitment to employee training, and the maintenance of rigorous standards of employee conduct. For example, Disney's employee handbook spelled out a strict code with respect to dress and appearance, including: • Above average height and below average weight • Pleasant appearance (straight teeth, no facial blemishes) • Conservative grooming standards

Art Unit: 3623

(facial hair or long hair is banned; no mustache; hair length is specified to be no longer than 1 inch above the collar) • Very modest make-up, very limited jewelry (for example, no more than one ring on each hand; size of the earrings can be no more than 1/2 inch) • Employees were required to wear specific types and colors of underwear; only neutral colors of pantyhose were allowed. Training embraced both general principles and specific knowledge and behaviors. For example, employees were instructed that their behavior on the job should be governed by three major rules: “First, we practice a friendly smile; Second, we use only friendly phrases; Third, we are not stuffy.”).

6. As per claim 4, Euro Disney teaches wherein providing each of said plurality of candidates with preview information regarding said expatriate assignments comprises providing each of said candidates with a realistic job preview video (Tempest, pg. 2, “Disney has taken some ribbing from the French press over the image demanded by Disney talent scouts. For example, a video for potential employees reminds them to shower at least once a day.”; Grant, “Selection criteria were “applicant friendliness, warmth, and liking of people.” The rules for job applicants were spelled out in a video presentation and in the employee handbook, “The Euro Disney Look.”; Disney Dress Code, pg. 3, 5 Percent Drop Out).

7. As per claim 5, Euro Disney teaches wherein receiving identifying information for a first set of candidates from said plurality of associates comprises determining which associates have decided to not proceed (Disney Dress Code, pg. 3, 5 Percent Drop Out: A generalized code, he said, was required because employees in "backstage" positions might be asked any given day to

Art Unit: 3623

assume a job that would involve contact with the public, and therefore all workers needed to maintain an appearance appropriate for that possibility. In any case, he said he knew of no one who had refused to take a job because of the rules, and he said that no more than 5 percent of the people showing up at the walk-in casting center for interviews, nearly 400 a day, had decided not to proceed after viewing the 15-minute video, which details transportation and salary as well as the appearance code.”).

8. As per claim 6, Euro Disney teaches wherein said assessments comprise motivational, behavioral, cultural, and technical assessments (Anthony, pg. 5, “Cast members had to meet stiff dress and grooming requirements. These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen. Following an initial contact. Disney used a peer interview process to select cast members. Three potential hires would meet with one Disney personnel manager for a 45-minute interview session. Applicants were watched closely for how well they listened to their peers, how well they responded to questions, and whether they smiled and maintained an appropriate attitude.”; Tempest, pg. 1, Title; Grant, “Selection criteria were “applicant friendliness, warmth, and liking of people.”; Afterthemouse.com, “Disney sought workers with sufficient communication skills who spoke two European languages (French and one other)”).

9. As per claim 7, Euro Disney in view of Applicant’s Admitted Prior art further in view of Mayer does not explicitly teach wherein establishing a development plan for each candidate in said group of expatriate candidates comprises establishing development plans according to gaps

Art Unit: 3623

identified from said motivational, behavioral, cultural, and technical assessments. However, Harvey, in stage 3 of its selection process (Exhibit 1, pg. 111–113), determines these capability gaps identified from said motivational, behavioral, cultural, and technical assessments by weeding out unqualified or unable candidates that fall short of certain capabilities or characteristics. Furthermore, development plans for expatriate assignment candidates are old and well known as taught by the cited prior art as discussed above in the rejection of claim 1 (*see also* Harvey, pg. 109, “More well-developed international human resource programs will have a defined succession plan for most managerial positions in the company's international operations.”; *see also* pg. 105, Exhibit 1, Dynamic Selection Process for International Personnel, Stage Three: Tactical Level, Selection of Candidates, Stage of Family Life-Cycle/ Career Cycle; pg. 112, discussing the importance of the family life-cycle in evaluating potential candidates for foreign assignment in terms of at least cost and adaptation; *see also* pg. 113, “Candidates must be evaluated on their enthusiasm or the intrinsic excitement of a new position overseas; but at the same time, the longrun relocation package and career benefits offered to the candidate must also be assessed.”). Therefore, applying the known results of a gap analysis to a development plan would have been obvious to one of ordinary skill in the art to achieve a predictable result and result in an improved system that provides candidates with a better chance at improvement and success in the future by identifying the aspects of their capabilities that need the most improvement.

10. As per claim 8, Euro-Disney teaches wherein at least one of said assessments is a self-assessment (Anthony, pg. 5, “Cast members had to meet stiff dress and grooming requirements.

Art Unit: 3623

These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen.”).

11. As per claim 10, the only limitations of claim 10 not recited in claim 1 are reiterating its method steps to produce additional sets of expatriate candidates, and identifying and selecting at least one additional candidate for a plurality of expatriate assignments. Claim 1, which discloses producing a set of expatriate candidates and identifying and selecting a subset of the plurality of expatriate assignments is rejected above by Euro Disney in view of Applicant’s Admitted Prior Art further in view of Mayer further in view of Harvey. Furthermore, reiterating the expatriate selection process for another set of candidates and selecting an additional candidate therefrom is considered mere duplication of parts for multiplicative effect, which has no patentable significance unless new and unexpected result is produced. In re Harza, 124 USPQ 378 (CCPA 1960); St. Regis Paper Co. v. Bemis Co., 193 USPQ 8, 11; 549 F2d 833 (7th Cir. 1977). Here, the predictable result of one or more additional qualified expatriate candidates is neither new nor unexpected. Therefore, it would have been obvious to modify these references to include these reiteration features to produce a predictable result and result in an improved system that provides for a more rigorous selection process and thus improves the chances of picking the right person for the assignment.

12. As per claim 12, Euro Disney teaches creating an assignment plan for each of said selected expatriate candidates (Grant, pg. 9–10, especially “Human relations management posed an even greater cultural challenge. Central to the Disney theme park experience was the way in

Art Unit: 3623

which “cast members” interacted with the guests. Disney was famous for its meticulous approach to recruitment, its commitment to employee training, and the maintenance of rigorous standards of employee conduct. For example, Disney’s employee handbook spelled out a strict code with respect to dress and appearance, including: • Above average height and below average weight • Pleasant appearance (straight teeth, no facial blemishes) • Conservative grooming standards (facial hair or long hair is banned; no mustache; hair length is specified to be no longer than 1 inch above the collar) • Very modest make-up, very limited jewelry (for example, no more than one ring on each hand; size of the earrings can be no more than 1/2 inch) • Employees were required to wear specific types and colors of underwear; only neutral colors of pantyhose were allowed. Training embraced both general principles and specific knowledge and behaviors. For example, employees were instructed that their behavior on the job should be governed by three major rules: “First, we practice a friendly smile; Second, we use only friendly phrases; Third, we are not stuffy.”).

13. As per claim 15, Euro Disney teaches wherein said assessments comprise motivational, behavioral, cultural, and technical assessments (Anthony, pg. 5, “Cast members had to meet stiff dress and grooming requirements. These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen. Following an initial contact, Disney used a peer interview process to select cast members. Three potential hires would meet with one Disney personnel manager for a 45-minute interview session. Applicants were watched closely for how well they listened to their peers, how well they responded to questions, and whether they smiled and maintained an appropriate attitude.”;

Art Unit: 3623

Tempest, pg. 1, Title; Grant, "Selection criteria were "applicant friendliness, warmth, and liking of people."; Afterthemouse.com, "Disney sought workers with sufficient communication skills who spoke two European languages (French and one other)").

14. As per claim 16, Euro-Disney teaches wherein at least one of said assessments is a self-assessment (Anthony, pg. 5, "Cast members had to meet stiff dress and grooming requirements. These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen.").

15. As per claim 17, Euro-Disney teaches establishing development plans for each candidate in said group of expatriate candidates (Lainsbury, pg. 95–97, discussing training of staff via manuals, handbooks, and guides, building exercises, etc). Examiner further notes that Harvey also teaches this limitation (Harvey, pg. 109, "More well-developed international human resource programs will have a defined succession plan for most managerial positions in the company's international operations."; *see also* pg. 105, Exhibit 1, Dynamic Selection Process for International Personnel, Stage Three: Tactical Level, Selection of Candidates, Stage of Family Life-Cycle/ Career Cycle; pg. 112, discussing the importance of the family life-cycle in evaluating potential candidates for foreign assignment in terms of at least cost and adaptation; *see also* pg. 113, "Candidates must be evaluated on their enthusiasm or the intrinsic excitement of a new position overseas; but at the same time, the longrun relocation package and career benefits offered to the candidate must also be assessed.").

Art Unit: 3623

16. As per claim 18, Euro Disney in view of Applicant's Admitted Prior art further in view of Mayer does not explicitly teach wherein establishing a development plan for each candidate in said group of expatriate candidates comprises establishing development plans according to gaps identified from said motivational, behavioral, cultural, and technical assessments. However, Harvey, in stage 3 of its selection process (Exhibit 1, pg. 111–113), determines these capability gaps identified from said motivational, behavioral, cultural, and technical assessments by weeding out unqualified or unable candidates that fall short of certain capabilities or characteristics. Furthermore, development plans for expatriate assignment candidates are old and well known as taught by the cited prior art as discussed above in the rejection of claim 1 (*see also* Harvey, pg. 109, "More well-developed international human resource programs will have a defined succession plan for most managerial positions in the company's international operations."; *see also* pg. 105, Exhibit 1, Dynamic Selection Process for International Personnel, Stage Three: Tactical Level, Selection of Candidates, Stage of Family Life-Cycle/ Career Cycle; pg. 112, discussing the importance of the family life-cycle in evaluating potential candidates for foreign assignment in terms of at least cost and adaptation; *see also* pg. 113, "Candidates must be evaluated on their enthusiasm or the intrinsic excitement of a new position overseas; but at the same time, the longrun relocation package and career benefits offered to the candidate must also be assessed."). Therefore, applying the known results of a gap analysis to a development plan would have been obvious to one of ordinary skill in the art to achieve a predictable result and result in an improved system that provides candidates with a better chance at improvement and success in the future by identifying the aspects of their capabilities that need the most improvement.

17. As per claim 19, Euro Disney teaches wherein identifying a first or second set of candidates comprises: providing each of a plurality of associates with preview information regarding a plurality of expatriate assignments (Tempest, pg. 2, “Disney has taken some ribbing from the French press over the image demanded by Disney talent scouts. For example, a video for potential employees reminds them to shower at least once a day.”; Grant, “Selection criteria were “applicant friendliness, warmth, and liking of people.” The rules for job applicants were spelled out in a video presentation and in the employee handbook, “The Euro Disney Look.” The rules went far beyond weight and height requirements, describing the length of the men’s hair, beard and mustache requirements, tattoo coverage requirements and hair color specifications (for example, hair had to be of a natural-looking color, without frosting or streaking). Only moderate use of cosmetics was allowed. Women could wear one earring in each ear with earrings’[sic] diameter not to exceed three-quarters of an inch.”; Anthony, pg. 5, “Cast members had to meet stiff dress and grooming requirements. These were communicated to potential employees at initial interview sessions, and Disney relied on self-selection as a first employment screen. Following an initial contact. Disney used a peer interview process to select cast members. Three potential hires would meet with one Disney personnel manager for a 45-minute interview session. Applicants were watched closely for how well they listened to their peers, how well they responded to questions, and whether they smiled and maintained an appropriate attitude.”; *see also* Disney Dress Code, pg. 3, 5 Percent Drop Out); and determining which associates have reviewed said preview information and withdrawn voluntarily from further consideration (Disney Dress Code, pg. 3, 5 Percent Drop Out: A generalized code, he said, was required

Art Unit: 3623

because employees in "backstage" positions might be asked any given day to assume a job that would involve contact with the public, and therefore all workers needed to maintain an appearance appropriate for that possibility. In any case, he said he knew of no one who had refused to take a job because of the rules, and he said that no more than 5 percent of the people showing up at the walk-in casting center for interviews, nearly 400 a day, had decided not to proceed after viewing the 15-minute video, which details transportation and salary as well as the appearance code.”).

Response to Arguments

18. Applicant's arguments with respect to claims 1–2, 4–8, 10, 12, and 15–19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN M. PATS whose telephone number is (571)270-1363. The examiner can normally be reached on M-F, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M Pats/
Examiner, Art Unit 3623